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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,234	11/17/2001	Ravi Chandra	4906.P094	4890

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EXAMINER

DIVECHA, KAMAL B

ART UNIT PAPER NUMBER

2151

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,234

Applicant(s)

CHANDRA ET AL.

Examiner

KAMAL B. DIVECHA

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 20-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 20-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20030421, 20030911, 20030902.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Applicant has elected group I as defined by claims 1-9, 20-29 and 30-33 by canceling claims 10-19 as defined by group II, in response to the Election/Restriction requirement, filed on June 27, 2005. Therefore, claims 1-9, 20-29 and 30-33 are presented for examination.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on April 21, 2003, September 11, 2003 and September 3, 2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-9 and 20-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 1, applicant fails to define "layer 3 virtual private network", as such it would be unclear to the one of ordinary skilled in the art the meaning of layer 3 VPN.

Claims 2-9 are rejected for the same reasons as set forth in claim 1.

Claim 5 recites the limitation "the first layer 3 VPN" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the first layer 3 VPN" in line 3-11. There is insufficient antecedent basis for this limitation in the claim. Applicant is advised to spell the acronyms such as VPN, EGP etc., in the claims.

Claims 7-9 are rejected for the same reasons as set forth in claims 6.

Claim 9 recites the limitation “the single EGP table” in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 22 is indefinite because it looks incomplete. It fails to indicate any meaningful subject matter.

Further claims 20-33 are rejected for the same reasons as set forth in claims 1-9.

Please Note: the above listing of the 35 USC 112, 2nd paragraph rejections is provided as an example and is not the exhaustive listings of the 35 USC 112, 2nd paragraph errors. The rest is up to the applicant to fix the errors.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-9, 20-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-9 are directed to a computer-implemented method, a code or a computer program, which is not enclosed within a tangible medium, as such the claim is not tangible embodied and is therefore non-statutory.

Claims 20-33 are not limited to tangible embodiments. In view of applicants disclosure, specification page 17-18 paragraph #56, the machine-readable medium is not limited to tangible embodiments, instead being defines as including both tangible embodiments (e.g. ROM, RAM, magnetic disk storage media etc.) and intangible embodiments (e.g. electrical, optical, acoustical,

carriers waves, infrared signals, digital signals, etc.). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9 and 20-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Rekhtar et al. (hereinafter Rekhtar, U. S. Patent No. 6,339,595 B1).

As per claim 1, Rekhtar discloses a method comprising: providing a layer 3 virtual private network to a first customer (fig. 1 and fig. 9, col. 6 L14-41); providing backbone access to a second customer (fig. 1 and fig. 9, col. 6 L14-41); and maintaining on a single network element a first set of information for the first customer separately from a second set of information for the second customer (col. 4 L34-38, col. 6 L41-50).

As per claim 2, Rekhtar discloses the process wherein the first set of information includes configuration information for the layer 3 VPN and the second set of information includes configuration information for the second customer (col. 6 L41-50).

As per claim 3, Rekhtar discloses the process wherein the first set of information includes routing information for the layer 3 VPN and the second set of information includes routing information for the second customer (col. 6 L29-50).

As per claim 4, Rekhtar discloses the process of maintaining on the network element a set of non-VPN related information for the first customer (col. 9 L28-35).

As per claim 5, Rekhtar discloses the process of providing a second layer 3 VPN to a third customer (fig. 1); maintaining on the single network element a third set of information for the second layer 3 VPN (col. 6 L43-50, col. 9 L23-44); and maintaining a single exterior gateway protocol process table for the first layer 3 VPN and the second layer 3 VPN (col. 11 L14-18).

As per claim 6, Rekhtar discloses a computer implemented method comprising: maintaining a first set of information for a first layer 3 VPN, the first set of information including a first value identifying the first layer 3 VPN (col. 18 L28 to col. 19 L60, col. 20 L60-62); separately maintaining a second set of information for a second layer 3 VPN, the second set of information including a second value identifying the second layer 3 VPN (col. 18 L28 to col. 20 L4); associating the first value with a first route distinguisher (col. 19 L52-56); associating the second value with a second route distinguisher (col. 18 L12 to col. 19 L4); maintaining a single EGP table for the first and second layer 3 VPNs (col. 11 L13-18).

As per claim 7, Rekhtar discloses the process of separately maintaining a third set of information for a non-VPN customer, the third set of information including a third value identifying the non-VPN customer (col. 9 L32-62) and maintaining a second EGP table for the non-VPN customer (col. 9 L32-44 and col. 11 L15-18).

As per claim 8, Rekhtar discloses the process of maintaining a first routing table for the first layer 3 VPN (col. 4 L34-38, col. 8 L56-67); maintaining a second routing table for the second layer 3 VPN (col. 6 L41-50, col. 9 L28-44); updating a set of entries for the first layer 3

Art Unit: 2151

VPN in the single EGP table, each of the set of entries indicating the first route distinguisher (col. 11 L5-60 and col. 16 L5-33); mapping the first route distinguisher to the first value (col. 18 L12-67) and indicating the mapped first value in communication about the updated set of entries (col. 19 L5-67, col. 12 L65-67, col. 19 L61 to col. 20 L4).

As per claim 9, Rekhtar discloses the process of maintaining a data structure for the single EGP table, the data structure indicating the association between the first value and the first route distinguisher and between the second value and the second route distinguisher (col. 19 L5 to col. 20 L32, col. 8 L56 to col. 9 L51) and performing mappings between the first value and the first route distinguisher and between the second value and the second route distinguisher with the data structure (col. 11 L45-59, col. 12 L65 to col. 13 L35, col. 18 L58-67, col. 19 L52-56).

As per claim 20, Rekhtar discloses a machine readable medium that provides instructions, which when executed by a set of one or more processors, cause said set of processors to perform operations comprising: maintaining separate exterior gateway tables for non-VPN customers (col. 9 L28-35 and col. 11 L6-18); maintaining a single shared EGP table for layer 3 VPN customers (col. 11 L13-18, col. 33 L36-41) and associating individual layer 3 VPNs with individual route distinguishers (col. 19 L52-60, col. 18 L31 to col. 19 L4).

As per claims 21-24 and 30-33, they do not teach or further define over the limitations in claims 1-9, 20. Therefore, claims 21-24, 30-33 are rejected for the same reasons as set forth in claims 1-9, 20.

As per claim 25, Rekhtar discloses the process wherein the mappings are performed for communications about the single EGP table (col. 19 L5 to col. 20 L3).

As per claim 26, Rekhtar discloses a machine readable medium that provides instructions, which when executed by a set of one or more processors, cause said set of processors to perform operations comprising: storing a first set of configuration information for a non VPN customer (col. 9 L32-35); storing a second set of configuration information for a first layer 3 VPN, the second set of information including a first value identifying the first layer 3 VPN (col. 6 L43-50); associating the first value with a first route distinguisher (col. 18 L27 to col. 19 L4); storing a third set of configuration information for a second layer 3 VPN, the third set of configuration information including a second value identifying the second layer 3 VPN; associating the second value with a second RD (col. 18 L27 to col. 19 L4); creating a first EGP table and a first routing table for the non VPN customer (col. 8 L55 to col. 9 L44); creating a second EGP table for the first and second layer 3 VPNs (col. 11 L5-18 and col. 12 L41 to col. 13 L34); creating a second routing table for the first layer 3 VPN and a third routing table for the second layer 3 VPN (col. 4 L34-38); mapping between the first value and the first RD to communicate modifications and to service requests for a set of entries in the second EGP table, the set of entries corresponding to the first layer 3 VPN (col. 19 L5 to col. 20 L67 and col. 18 L12-67).

As per claim 27, Rekhtar discloses the process of mapping between the second value and the second RD to communicate modifications and to service requests for a second set of entries in the second EGP table, the second set of entries corresponding to the second layer 3 VPN (col. 19 L5 to col. 20 L67 and col. 18 L12-67).

As per claim 28, Rekhtar discloses the process wherein each of the set of entries in the second EGP table indicates the first RD (col. 13 L5-33).

Art Unit: 2151

As per claim 29, Rekhtar discloses the process wherein the non-VPN customer and a customer provided the first layer 3 VPN are the same entity (col. 9 L28-44, fig. 1, fig. 7 and fig. 9).

Additional References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Arrow et al., U. S. Patent No. 6,226,751 B1.
- b. Tabata, Pub. No.: US 2001/0016914 A1.
- c. Rekhtar et al., U. S. Patent No. 6,526,056 B1.
- d. Rekhtar et al., U. S. Patent No. 6,463,061 B1.
- e. Cheline et al., Pub. No.: US 2003/0041136 A1.
- f. Gonda et al., U. S. Patent No. 6,662,221 B1.

Conclusion

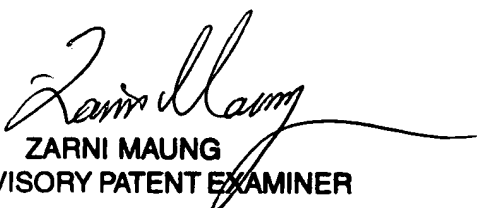
Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Flex schedule 8 hr days (10.00am-6.30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2151

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 12, 2005.


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER